

and travel accessories, and is a cavity overlapping at least partially the tray table in its stored position in a direction perpendicular to the front surface of the backrest. A main opening is provided for the pocket receptacle for introducing objects into the cavity and is open and exposed when the tray table is in its stored position. The tray table remains outside the cavity in its stored position.

By forming the aircraft passenger seat in this manner, a passenger has permanent and constant access to the cavity vertically overlapping the stored tray table in a direction perpendicular to the backrest front surface in a space saving manner. Access to the contents of the pocket receptacle can be obtained through the main opening even when the tray table is in its up or stored position. The tray table does not interfere with the cavity. None of the cited patents or applications discloses or renders obvious these features, particularly in combination.

Claim 9 stands rejected under 35 U.S.C. §102 as being anticipated by the newly cited U.S. Patent No. 6,092,705 to Meritt. The Meritt passenger seat allegedly satisfies all the limitations of claim 9, even though only the passenger seat in Fig. 5, with a support structure 1 and a tray table provided by the inside of the cover 8, being specified.

Claim 9 also stands rejected under 35 U.S.C. §102 as being anticipated by the newly cited U.S. Patent No. 5,375,907 to Rogers. The Rogers patent is cited as having a seat part 21, a backrest 22 and a tray table 30 with the inside portion of feature 34 forming a pocket (see Fig. 2).

Claims 9-12 and 14-41 stand rejected under 35 U.S.C. §103 as being unpatentable over the newly cited U.S. Patent No. 6,450,571 to Canni in view of previously cited U.S. Patent No. 3,615,118 to Buxton. The Canni patent is cited for a passenger seat 10 having a pocket receptacle in backrest cushioning 42, which receptacle can receive holding utensils, etc. The

Canni patent is also alleged to have the features of claims 10-12, 15, 18, 20, 29, 31, 33-35, 37 and 39-41, even though it does not have any tray table disclosed therein. The Canni patent is cited for a seat having a tray table pivotable and latchable against the back of the seat. In support of the rejection, it is alleged that it would be obvious to provide the Buxton tray table on the Canni seat to result in the claimed invention.

Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over the Canni and Buxton patents, when further considered in view of the previously cited U.S. Patent No. 5,507,556 to Dixon. In support of the rejection, it is alleged that it would be obvious to provide the Dixon display screen on the Canni seat.

Feature 8 of the Meritt patent is the front cover of case 1, which case is for a video monitor/player. This front cover is not a table and is not shown to be capable of functioning as a table. Moreover, it is not shown to be pivotable between use and storage positions. Further, the case 1 does not form the support structure of the seat, but is merely an attachment releasably coupled to the seat.

More specifically, the Meritt patent discloses a mounting system to facilitate the use of an electronic signal generating device and a display device in an automobile (col. 2, lines 39-42). The mounting system is designed to be releasably attached at the back side of seats of the automobile (col. 4, lines 53-57). It comprises a principle case 1 serving as a carrying case and mounting platform for all electronic components 3 (col. 3, lines 8-9). The electronic signal generating device 3 is positioned upright in a lower portion of the principle case 1, attached to an inside of a front cover 8 of the principle case (col. 6, lines 14-15 and col. 3, lines 21-22).

The inside of the front cover 8 is alleged to provide the tray table of claim 9. The Meritt patent discloses on col. 3, lines 21-26 that the front cover 8 is coupled to the principle case 1 by zippers, and that unzipping the zippers allows the front cover 8 to extend forward approximately 15 degrees to expose a front control panel of the electronic signal generating device 3. From this description the inside of the front cover 8 clearly does not serve as a tray table, but is provided to hold the electronic signal generating device 3 in place (co. 3, lines 31-34). In fact, nowhere in the Meritt patent is the inside of the front cover shown or described to be capable of functioning as a table. Therefore, the patent to Meritt lacks to disclose the feature of a tray table.

Moreover, the alleged Meritt tray table is coupled to the principle case 1 which is mounted to the head rest of a seat of a vehicle (col. 3, lines 47-48) merely as an attachment, and is releasably coupled to the seat. Therefore, the alleged Meritt tray table is not coupled to a support structure of a backrest of a seat, as in claim 9.

The bottom portion of the Meritt principle case 1 is cited to anticipate the claim 9 feature of a pocket receptacle for holding utensils, printed material and travel accessories. Figs. 5 and 7 of the Meritt patent show that the bottom part of the principle case cannot take up any utensils, printed material or travel accessories with the electronic signal generating device 3 in the shown position. Thus, the Meritt patent also lacks to disclose the claim feature of a pocket receptacle.

Further, with no tray table taught in the Meritt patent, that patent cannot disclose or render obvious a tray table disclosed that, in a stored position, is at least partially overlapped by a pocket receptacle, as recited in claim 9.

Accordingly, the Meritt patent does not anticipate or render obvious the subject matter of claim 9.

Claim 9 is also not anticipated or rendered obvious by the Rogers patent. The Rogers table is mounted on the front of the seat back, not the back as required in claim 9. Moreover, the Rogers lid 34 does not constitute a pocket receptacle, and particularly is not open but is in fact closed when the table 30 is in its stored position. Thus, the Rogers patent does not anticipate or render obvious the subject matter of claim 9.

Relative to the rejection over the Canni patent in view of the Buxton patent, the combination of the Canni patent and the Buxton patent does not teach the specifically claimed positional relationship of the tray table and the pocket, particularly with many of the details of the dependent claims.

The Canni patent discloses a motor vehicle seat 10 with a seat part and a backrest 12 in which a case 14 is received for storing objects therein. In one embodiment (Figs. 1-3), the case 14 is received in a rigid pocket 16 that, in turn, is received within a recess 18 formed in the backrest 12 (col. 2, lines 4-9). In another embodiment, the rigid pocket 16 is secured to a rear facing surface 44 of a seat back shell 40 (Fig. 4).

The support structure of the Canni backrest 12 is not disclosed, particularly in the cross-sectional views of Figs. 3 and 4. The only indication of a support structure of the backrest 12 is a pair of brackets with no reference numerals that connect the backrest 12 to the seat part, as shown in Figs. 1 and 2. These brackets do not continue upward within the backrest, as the Canni patent teaches that the seat back shell 30 and the foam bun 32 form the major structural components of the seat back 12 (col. 2, lines 18-19). Thus, the Canni patent fails to disclose all the features that are related to a backrest support structure in the claims of the application.

As correctly stated in the Office Action, the Canni patent fails to disclose a tray table coupled to a support structure of the backrest. Consequently, it further fails to disclose all other features related to the tray table that are required by dependent claims in the application.

Moreover, the Canni patent does not disclose a pocket receptacle for holding utensils, printed material and travel accessories as required in claim 9 of the application. The rigid pocket 16 of the Canni patent is designed to receive similarly sized interchangeable specialized function storage cases 14 (col. 1, lines 42-43). In other words, the rigid pocket 16 is designed to receive a container, and the container can hold utensils, printed material and travel accessories. The reason is obviously that utensils, printed material and travel accessories that were put into the rigid pocket directly, i.e., without the container, could not or only in a very cumbersome way be retrieved by hand, as the rigid pocket 16 is too narrow for doing so. The reason for the narrowness of the rigid pocket 16, as given in the Canni patent, is that the rigid pocket 16 must be sufficiently rigid to permit the seat to be use without affecting seat performance, whether the case is in the rigid pocket 16 or is removed from the rigid pocket 16 (col. 2, lines 24-27). If the rigid pocket was wider to allow a passenger's hand to get into the pocket, it would mean a downside of the design as the stability requirements for the backrest must be met, especially as the backrest does not comprise a support structure as required by claim 9 to increase the backrest stiffness as discussed above.

U.S. Patent No. 3,615,118 to Buxton is cited for disclosing a seat that has a tray table 72 that is coupled to a support structure 53 and is pivotable between a stored position and a used position, and is latchable against the back of the seat.

Neither the Canni patent nor the Buxton patent disclose a pocket receptacle on the back of the support structure for holding utensils, printed materials and travel accessories, that at least partially overlaps the tray table in a direction perpendicular to a front surface of the backrest. Therefore, it would not have been obvious to one of ordinary skill in the art at the time of invention to combine the Canni seat and the Buxton tray table to provide a seat comprising a pocket receptacle on the back of the support structure for holding utensils, printed materials and travel accessories, that at least partially overlaps the tray table in a direction perpendicular to a front surface of the backrest, as recited in claim 9. When neither applied patent discloses the claimed feature, the combination of those patents cannot render that feature obvious.

The invention of this application overcomes the drawback of the narrow pocket receptacle of the Canni patent that only allows storing utensils, etc. in a case or container and does not provide a high level of comfort to a passenger when all utensils have to be retrieved from the receptacle even if only a single item is desired. With regard to passenger comfort, the receptacle of the Canni patent does not provide an advantage over the well-known solution of storing a case underneath a seat in front. In the invention of the application, the utensils, etc. are readily available if so desired by a passenger.

At least for these reasons, the rejection of claim 9 on the grounds of 35 U.S.C. §102 or §103(a) should be withdrawn.

Claims 10-21 and 27-36 being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents and applications.

Claim 10 is further distinguishable by the cavity extending vertically from an area adjacent the support structure top edge to a structure element forming the receptacle bottom and located within a surface area of the tray table in the stored position. No such structural arrangement is disclosed or rendered obvious by the Buxton patent since locker 72 is spaced above table 63 in the table's stored position. Moreover, at the time of invention a combination of the Canni and Buxton patents would not have led one with ordinary skill in the art to conceive of the specific positional relationship of the tray table, the pocket receptacle and the support structure, in which the pocket receptacle extends from an area adjacent a top edge of the support structure to a structure element forming a bottom of the pocket receptacle and is located within a surface area of the tray table in the stored position, wherein the top edge of the support structure and the bottom of the receptacle are defined relative to the vertical direction, as recited in claim 10.

Claim 11 is further distinguishable by the main opening being adjacent the top edge of the support structure and opening in a backward direction away from the backrest cushioning. This further maintains the access to the pocket receptacle in the stored position of the tray table. Such structure with the claimed overlapping is not disclosed or rendered obvious by the Buxton patent.

Claim 12 is further distinguishable by the plate forming the rear wall of the receptacle and being distinct from the tray table, particularly within the claimed overlapping orientation. At the time of invention, one with ordinary skill in the art would not have been led to conceive of a plate that extends between two side edges of the support structure and, relative to the vertical direction, above the structure element, and that forms a rear wall of the pocket receptacle, with

the plate being distinct from the tray table, as recited in claim 12, by a combination of the Canni and Buxton patents.

Claim 13 is further distinguishable by the display screen integrated therein, within the overall claimed combination. One with ordinary skill in the art, at the time of invention, would not have considered placing a monitor at the back of the seat of the Canni patent, modified by the tray table of the patent to Buxton, while reviewing the patent to Dixon (U.S. Patent No. 5,507,556). In the Dixon patent, the monitor 20 is mounted by a mounting plate 21 arranged within a recess 22 in the seat back 14. Such recess would cause a substantial weakening of the seat rigidity that jeopardizes the use of the seat without an affected seat performance (see col. 2, lines 24-27 of the Canni patent), thereby teaching away from the claimed combination.

Claim 14 is further distinguishable by the latch for the tray table being supported in the stored and use positions on the plate defining the receptacle. While the Buxton patent discloses a turn button, such turn button is on the back surface of the backrest, and not on a plate forming the back of locker 63 relied upon for the claimed cavity. A combination of the Canni and Buxton patents would also not have led one with ordinary skill in the art, at the time of invention, to conceive of the plate of claim 12 to support a latch for fixing the tray table in the stored position, as recited by claim 14.

Claim 15 is further distinguishable by the bottom opening extending between the structure element and the plate. No such bottom opening is provided in the Canni or Buxton seat.

Claim 16 is further distinguishable by a lip on the support element and projecting into the bottom opening. No such lip appears to be disclosed in the Canni or Buxton patent.

Claim 17 is further distinguishable by the tray table having its face facing the cavity in the stored position, while the main opening allows removal of items stored in that position. The Buxton table 72 is spaced below locker 63 relied upon for the cavity and does not face it, as claimed. The Canni patent has no tray table.

Claim 18 is further distinguishable by the relative positioning of wall piece 23 relative to the rear wall of the support structure bearing the backrest cushioning, with the tray table having a top edge below a top of the wall piece. These relative orientations ensure unobstructed access to the receptacle contents through the main opening even when the tray table is in its stored position. Such arrangement is not disclosed or rendered obvious by the Buxton patent since the locker 63 is completely above table 72 in the stored position. For one of ordinary skill in the art who at the time of the invention considered to modify the Canni seat with a tray table assembly according to the Buxton patent, and to reach at the feature of the invention as recited in claim 18, wherein a wall piece is spaced in a direction perpendicular to a backrest supporting face from a rear wall of the support structure to form a hollow space forming the cavity, and wherein the plate and the rear wall are distinct from the tray table and the tray table abuts on the wall piece in the stored position, would have found a mechanical weakening of the stiffness of the Canni rigid pocket 16, and that the rigid pocket 16 might not be sufficiently rigid any longer, as required by the Canni patent teaching (col. 2, lines 24-27). Therefore, the one with ordinary skill in the art would not have pursued the proposed combination of the Canni and Buxton patents to provide the subject matter of claim 18.

Claim 19 is further distinguishable by the by the latch being on the rear side of the wall piece. The Buxton patent does not have such wall piece for its turn button 74, and thus, cannot teach such structure for adding to the Canni seat.

Claim 20 is further distinguishable by the latch being mounted below the main opening in a direction parallel to the main direction of the seat back in its upright position, within the claimed combination of the overlapping orientation of the cavity and table.

Claim 21 is further distinguishable by the upper edge of the wall piece defining the main opening and the latch for the tray table being mounted below that upper edge. Such positioning of the latch ensures that the tray table will not obscure the main opening for access to the pocket receptacle contents when the tray table is in its stored position. The Buxton latch is not mounted on such wall piece, and thus, cannot provide teaching that structure for the Canni seat.

Claim 27 is further distinguishable by the tray table being distinct from the support structure in combination with the claimed overlapping.

Claim 28 is further distinguishable by the plate being fixedly connected to the support structure in combination with the claimed overlapping.

Claim 29 is further distinguishable by the opening being in the upper half of the backrest in combination with the claimed overlapping.

Claims 30 and 31 are further distinguishable by the vertical top opening of the cavity. The Canni cavity is not on the seat with a tray. The Buxton locker 63 only opens to its back side, not its vertical top.

Claim 32 is further distinguishable by the utensils in combination with the claimed overlapping.

Claim 33 is further distinguishable by the stored tray table at least partially covering the receptacle in a direction perpendicular to the backrest supporting face. The Buxton table 74 does not cover locker 63 since they are completely vertically spaced, and thus, cannot teach adding such feature to the Canni seat.

Claim 34 is further distinguishable by the cavity wall parts distinct from the table in combination with the claimed overlapping.

Claim 35 is further distinguishable by the main opening defined by the top edge of the wall piece forming the cavity between the wall piece and the backrest supporting face and the main opening above the top edge of the stored tray table, particularly in combination with claimed overlapping. The Buxton opening of locker 63 is not at the top edge of such wall piece, and thus, cannot teach such structure for the Canni seat.

Claim 36 is further distinguishable by the latch being extended over the top edge of the tray table, with the overall claimed combination.

Claim 22 covers an aircraft passenger seat comprising a seat part having a forward edge and a rear edge, and a backrest extending from the seat part adjacent its rear edge, with the backrest having a front surface facing the seat part and a rear surface remote from and facing opposite from the front surface. A support structure 11 on the rear surface defines a cavity on the rear surface and has laterally spaced side portions. A plate 23 extends between the side portions and is spaced from the backrest rear surface to define a receptacle. The plate has a top edge defining a main opening for inserting items into and retrieving items from the receptacle, and has a bottom edge spaced from the top edge. A structure element 21 extends between the support structure side portion, is spaced from the top edge, is adjacent the bottom edge, and forms a

bottom of the receptacle. A tray table 3 is mounted on the rear surface for movement between a stored position overlying a rear, outer surface of the plate and a use position spaced from the backrest. The tray table has an upper edge in its stored position located below the top edge of the plate maintaining the main opening unobstructed in its stored position, and in the stored position overlaps the receptacle at least partially in a direction perpendicular to the backrest front surface.

For the reasons advanced above, such structure is not anticipated or rendered obvious by the Canni and Buxton patents.

Claims 23-26, being dependent upon claim 22, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patent documents.

Claim 23 is further distinguishable by the latch for securing the tray table being mounted on the plate between its top and bottom edges. No such plate with a latch is provided in the Buxton patent, and thus, cannot provide a teaching of that feature for the Canni seat.

Claim 24 is further distinguishable by the latch being adjacent the plate top edge. No such latch or relationship is disclosed or rendered obvious by the Canni and Buxton patents.

Claim 25 is further distinguishable by the tray table being pivotally coupled to the support structure, within the overall claimed combination.

Claim 26 is further distinguishable by the plate having a bottom opening adjacent its bottom edge. No such bottom opening is provided in the Canni and Buxton patents.

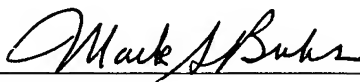
Claim 37 combines the limitations of claims 9, 18, 20 and 35, and is patentably distinguishable for the corresponding reasons. Claim 38, being dependent upon claim 37, is also

allowable for those reasons, and is further distinguishable by the latch extending over the tray table top edge in the storage position.

Claims 39-41, being dependent on claims 9, 22 and 37, respectively, are also allowable for the reasons advanced above. The cavity or receptacle being horizontally between the stored tray table and the backrest and the overlapping vertical extents are not disclosed or rendered obvious by the Canni and Buxton patents.

In view of the foregoing, claims 9-41 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202) 659-9076

Dated: May 18, 2010